

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 9/21/20
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
UNITED STATES OF AMERICA
:
- v. -
:
CHUCK FREI,
:
Defendant.
:
----- x

CONSENT PRELIMINARY ORDER
OF FORFEITURE/
MONEY JUDGMENT

18 Cr. 822 (JSR)

WHEREAS, on or about November 13, 2018, CHUCK FREI (the "Defendant"), was charged in an one-count Information, 18 Cr. 822 (JSR) (the "Information"), with conspiracy to commit wire fraud, in violation of Title 18, United States Code, Section 1349 (Count One); wire fraud, in violation of Title 18, United States Code, Section 1343 and 2 (Count Two); and effecting the entry of falsely valued goods, in violation of Title 18, United States Code, Section 541 and 2 (Count Three);

WHEREAS, the Information included a forfeiture allegation as to Counts One and Two of the Information, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), of any and all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of the offenses charged in Counts One and Two of the Information including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of the offenses in Counts One and Two of the Information that the Defendant personally obtained;

WHEREAS, on or about October 9, 2018, the Defendant pled guilty to Counts One through Three of the Information, pursuant to an agreement with the Government, wherein the Defendant admitted the forfeiture allegation with respect to Counts One and Two of the

Information and agreed to forfeit, pursuant to Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461(c), any and all property, real and personal which constitutes or is derived from proceeds traceable to the commission the offenses, including but not limited to a sum of money in United States currency, representing proceeds traceable to the commission of the offenses charged in Counts One and Two of the Information; and

WHEREAS, the Defendant consents to the entry of a money judgment in the amount of \$1,412,122 in United States currency, representing the amount of proceeds traceable to the offenses charged in Counts One and Two of the Information that the Defendant personally obtained, of which the Defendant is jointly and severally liable with co-defendant JOSEPH BAILEY, to the extent a forfeiture money judgment is entered against BAILEY in this case; and

WHEREAS, the Defendant admits that, as a result of acts and/or omissions of the Defendant, the proceeds traceable to the offenses charged in Counts One and Two of the Information that the Defendant personally obtained cannot be located upon the exercise of due diligence.

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Audrey Strauss, Acting United States Attorney, Assistant United States Attorney, Dina McLeod of counsel, and the Defendant, and his counsel, Avraham C. Moskowitz, Esq., that:

1. As a result of the offenses charged in Counts One and Two of the Information, to which the Defendant pled guilty, a money judgment in the amount of \$1,412,122 in United States currency (the "Money Judgment"), representing the amount of proceeds traceable to the offenses charged in Counts One and Two of the Information that the Defendant personally obtained, of which the Defendant is jointly and severally liable with co-defendant JOSEPH

BAILEY, to the extent a forfeiture money judgment is entered against BAILEY in this case, shall be entered against the Defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Consent Preliminary Order of Forfeiture/Money Judgment is final as to the Defendant, CHUCK FREI, and shall be deemed part of the sentence of the Defendant, and shall be included in the judgment of conviction therewith.

3. All payments on the outstanding Money Judgment shall be made by postal money order, bank or certified check, made payable, in this instance, to United States Customs and Border Protection, and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Money Laundering and Transnational Criminal Enterprises Unit, One St. Andrew's Plaza, New York, New York 10007 and shall indicate the Defendant's name and case number.

4. Upon entry of this Consent Preliminary Order of Forfeiture/Money Judgment, and pursuant to Title 21, United States Code, Section 853, United States Customs and Border Protection, or its designee the Office of Fines, Penalties, and Forfeiture shall be authorized to deposit the payment on the Money Judgment in the Treasury Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

5. Pursuant to Title 21, United States Code, Section 853(p), the United States is authorized to seek forfeiture of substitute assets of the Defendant up to the uncollected amount of the Money Judgment.

6. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate

or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

7. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

8. The Clerk of the Court shall forward three certified copies of this Consent Preliminary Order of Forfeiture/Money Judgment to Assistant United States Attorney Alexander J. Wilson, Co-Chief of the Money Laundering and Transnational Criminal Enterprises Unit, United States Attorney's Office, One St. Andrew's Plaza, New York, New York 10007.

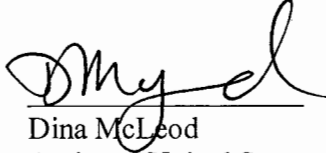
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9. The signature page of this Consent Preliminary Order of Forfeiture/Money Judgment may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:

AUDREY STRAUSS
Acting United States Attorney for the
Southern District of New York

By:

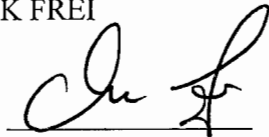


Dina McLeod
Assistant United States Attorney
One St. Andrew's Plaza
New York, NY 10007
212-637-1040

9/21/20
DATE

CHUCK FREI

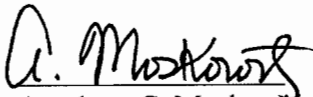
By:



Chuck Frei

9/21/20
DATE

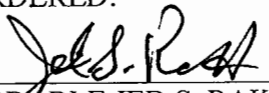
By:



Avraham C. Moskowitz, Esq.
Attorney for Defendant

9/21/20
DATE

SO ORDERED:


HONORABLE JED S. RAKOFF
UNITED STATES DISTRICT JUDGE

9/21/20
DATE